

REMARKS

Claims 1, 2, and 4-21 are pending.

Claims 1, 2, and 4-21 stand rejected.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 2, 4-9, and 11-21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,167,378 issued to Webber, Jr. (referred to herein as *Webber*). The rejection is respectfully traversed.

In the February 20, 2003 Office Action, the Examiner on page 2 noted that Applicant's arguments filed November 25, 2002 were not persuasive. Specifically, the Examiner asserted that "*Webber* implies that sellers are linked to a plurality of supply chain enterprises [Col. 14, line 15]." Continuing, "each contract is identified according to product, service or activity [Col. 6, Line 61]." Applicants respectfully disagree that any implication drawn from *Webber* could anticipate the presently claimed invention because such implication would be in conflict with the direct teachings of *Webber*.

In several locations, *Webber* clearly identifies a plurality of sellers. For example, *Webber* states that "Fig. 2 is a diagram illustrating the system connected to a multitude of sellers" [*Webber*, col. 13, lns. 29-30] and, as identified by the Examiner, "[i]llustrated are a computing module 262, a CAP 260, overall supply chain enterprises 277 and enterprise banks 279" [col. 14, lns. 25-27]. (emphasis added). Additionally, as the Examiner noted, "[e]ach of the contracts are identified according to product, service or activity" and "[t]wo or a multitude of contracts for a single product, service or activity may be linked." *Webber*, col. 6, lns. 61-63.

Although *Webber* identifies a plurality of sellers, *Webber* fails to teach or suggest:

receiving an order request;
processing the order request into multiple processed order requests;
selecting fulfillment partners for each of the processed order requests;
for each of the processed order requests, transmitting the processed order request to the ORMS of the selected fulfillment partner;

receiving from each of the ORMSs of the selected fulfillment partners
ORMS data associated with the processed order request
transmitted to the ORMS of the fulfillment partners; and
integrating the received ORMS data from the ORMSs of the fulfillment
partners

as recited in claim 1. (emphasis added).

Webber's description of a "plurality of sellers" falls within the context of "supply chains in a vertical marketplace." *Webber*, claim 1 preamble (see also Figures 5-8). More specifically, *Webber* mentions multiple fulfillment obligations in the context of "generating multiple fulfillment obligations within one entity" [*Webber* col. 10, lns. 4-7] as opposed to "fulfillment partners" [present invention claim 1]. (emphasis added). *Webber* never teaches processing a single "order request into multiple processed order requests" as recited by claim 1. (emphasis added). *Webber's* recitation of a plurality of sellers is in the context of a vertical marketplace supply chain, not in the context of multiple "fulfillment partners" associated with a single "order request".

Webber does provide for the *front-end* consolidation of multiple purchase orders from a single customer. However again, this is in the context of a vertical supply chain. More specifically, *Webber* teaches that "[M]ultiple purchase orders from a single customer may be identified and merged by the CAP in order to consolidate shipments from one supplier." *Webber* col. 10, lns. 43-45." Again, *Weber* fails to teach or suggest "processing the order request into multiple processed order requests" as recited in claim 1.

Thus, *Webber's* teachings regarding a "plurality of sellers" lies within a context different from the context of the present invention of claim 1. Furthermore, Applicants respectfully submit that any assertion that *Webber* by implication refers to a "plurality of sellers" within the context of the present invention of claim 1 would be in complete contradiction to the explicit teachings within *Webber*, examples of which are set forth above. Thus, Applicants respectfully submit that such an implication cannot be properly drawn by the Examiner and a *prima facie* case of anticipation of claim 1 under section 35 U.S.C. § 102(e) has not been made.

Also in contrast to the present invention of claim 9, *Webber* neither teaches nor suggests "wherein the order request servicing system is a hub in an order servicing organization and the

ORMS of a first of the fulfillment partners comprises a spoke in the order servicing organization and further comprises another order request servicing system” as recited in dependent claim 9. Claim 9 recites an extension of the method of claim 1, which is in contrast to the “supply chains in a vertical marketplace” as taught by *Webber*.

Applicants also submit that independent claims 14, 20, and 21 are allowable for at least reasons similar to those related to amended claim 1. For example, claim 14 recites in part:

process the order request into multiple processed order requests;
select fulfillment partners for each of the processed order requests using
the business relationship information;
for each of the processed order requests, transmit the processed order
request to the ORMS of the selected fulfillment partner;
receive from each of the ORMSs of the selected fulfillment partners
ORMS data associated with the processed order request
transmitted to the ORMS of the fulfillment partners; and
integrate the received ORMS data from the ORMSs of the fulfillment
partners.

(emphasis added).

In further contrast to the present invention of claim 18, *Webber* neither teaches nor suggests “wherein the first order request servicing system is a hub in the order servicing system, the order servicing organization system further comprising N order request servicing systems which form order servicing system spokes from the first order request servicing system, each of the N order request servicing systems having an interface to receive a processed order request from the first order request servicing system, having a memory to store business relationship information, wherein N is a positive integer” as recited in dependent claim 18. Claim 18 recites an extension of the system of claim 14, which is in contrast to the “supply chains in a vertical marketplace” as taught by *Webber*.

Claim 20 recites in part:

means for processing the order request into multiple processed order
requests;
means for selecting fulfillment partners for each of the processed order
requests;
means for transmitting the processed order request to the ORMS of the
selected fulfillment partner;

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means for receiving from each of the ORMSs of the selected fulfillment partners ORMS data associated with the processed order request transmitted to the ORMS of the fulfillment partners; and
means for integrating the received ORMS data from the ORMSs of the fulfillment partners

as recited in claim 20. (emphasis added).

Claim 20 recites in part:

processing the order request into multiple processed order requests;
selecting fulfillment partners for each of the processed order requests;
for each of the processed order requests, transmitting the processed order request to the ORMS of the selected fulfillment partner;
receiving from each of the ORMSs of the selected fulfillment partners ORMS data associated with the processed order request transmitted to the ORMS of the fulfillment partners; and
integrating the received ORMS data from the ORMSs of the fulfillment partners.

as recited in claim 21. (emphasis added).

Applicants respectfully submit that the dependent claims are allowable for at least the same reasons as the independent claims from which they depend. In light of the foregoing remarks, withdrawal of the rejection is respectfully requested.

Claim Rejections - 35 U.S.C. § 103

Claim 10 stands rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 6,167,378 issued to Webber, Jr. The rejection is respectfully traversed.

Applicants respectfully submit that claim 10 is allowable for at least the same reasons as claim 1 from which claim 10 depends. In light of the foregoing remarks, withdrawal of the rejection is respectfully requested.

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CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this RCE is being transmitted via facsimile to the USPTO on August 20, 2003.



Attorney for Applicant(s)

8-20-03

Date of Signature

Respectfully submitted,



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